

Exhibit A

Application of Winstar Communications, LLC

(Provided to the extent the Commission deems a new application is necessary in lieu of permitting New Winstar to acquire the certificate currently held by Old Winstar).

(File Original and 3 copies)

**AMENDED APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**

GENERAL

1. Applicant's Name(including d/b/a, if any)

FEIN # 01-0549724

Winstar Communications, LLC

Address: Street 520 Broad Street

City Newark State/Zip NJ 07102

2. Authority Requested: (Mark all that apply) X 13-403 X 13-404 X
13-405

3. Request for waivers/variances: In applications for exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

 X Part 710

Uniform System of Accounts for Telecommunications Carriers

 X Part 735

Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois

 X Section 735.180

Directories

 X Other

Winstar Communications, LLC also requests authorization to maintain its books and records at its principal place of business pursuant to 83 Ill. Admin. Code part 250.

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:

(a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document; and

- (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document; and
- (c) the Financial Questions for Applicants Seeking Local Exchange Authority found in Appendix C of this document; and
- (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

Please see Appendices A, B, and C. Question 4(d) does not apply to Applicant.

5. In what area of the state does the Applicant propose to provide service?

Winstar Communications, LLC ("New Winstar") seeks authority to provide telecommunications service throughout the State of Illinois. New Winstar seeks statewide authority so that it may expand its operations as market conditions warrant and as such areas become open to competition. New Winstar currently does not plan to provide local exchange services in the service areas of any small or rural local exchange carriers as defined by the Telecommunications Act of 1996.

6. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues
- c) customer complaint resolution
- d) technical and service quality issues
- e) "tariff" and pricing issues
- f) 9-1-1 issues
- g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address, if any.

Please see Exhibit L

7. Please check type of organization?

☐ Individual ☐ Corporation
☐ Partnership Date corporation was formed _____
In what state? _____
☒ Other (Limited Liability Company)
Date formed **December 21, 2001**
In what state? **Delaware**

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

Attached hereto as Exhibit C is a copy of New Winstar's formation documents. New Winstar's application for authority to transact business is attached hereto as Exhibit D.

9. List jurisdictions in which Applicant is offering service(s).

New Winstar currently holds no permits, licenses, or certificates to provide telecommunications services in any state. New Winstar is currently in the process of seeking authorization to transfer the assets and, where permitted, the operating certificates and licenses of Old Winstar throughout the United States.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

_____ YES (Please provide details) X NO

11. Have there been any complaints or judgements levied against the Applicant in any other jurisdiction?

_____ YES X NO

If YES, describe fully. Not Applicable.

12. Has Applicant provided service under any other name?

_____ YES X NO

If YES, please list.

13. Will the Applicant keep its books and records in Illinois? _____ YES X NO
If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

New Winstar requests authorization to maintain its books and records at its principal place of business in the State of New Jersey, pursuant to 83 Ill. Admin. Code part 250.

MANAGERIAL

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

Please see Attached Application and Exhibit I.

15. List officers of Applicant.

Charles H.F. Garner
President and Chief Executive Officer
Winstar Communications, LLC
520 Broad Street
Newark, NJ 07102

Joyce J. Mason
Secretary and Treasurer
Winstar Communications, LLC
520 Broad Street
Newark, NJ 07102

New Winstar will also be able to call upon the significant expertise and experience of the officers and directors of its ultimate corporate parent, IDT Corporation. Biographical information about Mr. Garner, Ms. Mason, and the IDT Officers and Directors is provided in Exhibit I, *infra*.

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services?

 X YES NO

If YES, list entity. IDT America Corp.

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for services and details of the billings statement.)

Like Old Winstar, New Winstar will bill its customers directly through its own internal billing system which New Winstar will acquire. Bills are issued to customers on a monthly basis in hard copy. Customers may also choose to receive their bills via web-based electronic billing.

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

Customers with billing questions or complaints may reach New Winstar at its toll-free number (888) 961-8800. Customers can contact representatives of the company twenty-four hours a day, seven days a week, for assistance with all products or billing inquiries, changes, or additions to their accounts, trouble reports, or service complaints. Customers may also send written complaints to New Winstar at: Winstar National Customer Satisfaction Center, 5151 Blazer Parkway, Suite A, Dublin, OH 43017. In the event of a billing dispute, New Winstar will perform a review of the disputed billing amount and promptly attempt to reach a settlement to the mutual satisfaction of all parties. Following a full investigation to determine whether or not the charges may have been fraudulent or improper, New Winstar may adjust the disputed bill. Applicant's repair service centers are available 24 hours a day, seven days a week to assist customers with questions or complaints.

19. Will personnel be available at applicant's business office during regular working hours to respond to inquiries about service or billing? X YES NO

20. What telephone number(s) would a customer use to contact your company?

Customers with billing questions or complaints may reach New Winstar at its toll-free number (888) 961-8800.

21. Will applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

 X YES NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers.

New Winstar will comply with applicable Illinois law as well as Federal Communications Commission regulations regarding how carriers may change a consumer's Primary Interexchange Carrier ("PIC"). New Winstar will follow Old Winstar's "zero-tolerance" slamming/cramming policy that has been established and that all employees that interface with customers in the sales and ordering processes are required to execute.

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 735, 755, 756, 757, 770, and 772?

Applicant requests a waiver of 83 Illinois Administrative Code Parts: 710 and 735. A detailed explanation of this request is presented in Question 1 of Appendix A.

 X YES NO (If no, please provide an explanation.)

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

 X YES NO

FINANCIAL

25. Please attach evidence of applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

Please see Exhibit H and discussion in Section IV of the above Application, *infra*.

TECHNICAL

26. Does Applicant utilize its own equipment and/or facilities? X YES NO
If YES, please list:

New Winstar proposes to acquire most of the communications assets associated with Old Winstar's domestic facilities-based fixed wireless and leased wireline operations, including the associated telecommunications equipment, existing customer base, and federal and state licenses and/or certificates authorizing those operations.

If NO, which facility provider(s)'s services does Applicant use?

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, local service).

New Winstar will provide all services currently offered by Old Winstar and seeks authority that mirrors the authority currently held by Old Winstar.

28. Will technical personnel be available at all times to assist customers with service problems?

☒ YES ☐ NO

29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?

☐ YES ☐ NO

Not Applicable.

Appendix A

Standard Questions for Applicants Seeking Local Exchange Authority

1. Is your company seeking any waivers or variances of certain Commission rules and regulations in this proceeding that pertain to local exchange service? Please provide evidence as to why your company is seeking any waiver or variance.

New Winstar seeks a waiver of Parts 710 and 735. The Commission has previously found that it is not necessary to apply these regulatory provisions to competitive service providers and has exempted competitive carriers from the application of these provisions. New Winstar is seeking the same waivers as those granted to Old Winstar. Such waivers reduce the economic burdens of regulation and are consistent with the law or the purposes and policies of Article XIII of the Act.

2. Will your company comply with 83 Illinois Administrative Code Part 772, Pay-Per-Call Services, including Part 772.55(a)(1), Billing and Part 772.100(d) Notices?

Yes. New Winstar intends to offer all services as those currently provided by Old Winstar and will abide by all applicable rules and regulations.

3. Will your company comply with 83 Illinois Administrative Code Part 705, Preservation of Records of Telephone Utilities?

Yes. New Winstar intends to offer all services as those currently provided by Old Winstar and will abide by all applicable rules and regulations.

4. Will your company abide by 83 Illinois Administrative Code Part 735, "Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Telephone Utilities in the State of Illinois"?

Yes. New Winstar intends to offer all services as those currently provided by Old Winstar and will abide by all applicable rules and regulations.

5. Who will provide customer repair service for your company?

Because New Winstar, like Old Winstar, will be a facilities-based carrier and will not rely entirely on resold local service or UNEs from the ILEC, it will provide maintenance and repair services through its own Illinois based technicians as well as through contractual arrangements it may have with repair or maintenance service companies that will be contractors of New Winstar.

6. How many people does the company employ?

As explained in the underlying application, New Winstar is a newly formed corporation and as such is in the process of building its company. New Winstar expects to employ a number of the current employees of Old Winstar, including many of Old Winstar's most senior management.

7. Will your company meet the requirements as they pertain to the Telephone Assistance Programs imposed by Sections 13.301 and 13.301.1 of the Illinois Public Utilities Act and 83 Illinois Administrative Code Part 757?

Yes. New Winstar intends to offer all services currently provided by Old Winstar and will abide by all applicable rules and regulations.

8. Will your company solicit, collect, and remit the voluntary contributions from its telephone subscribers to support the Telephone Assistance Programs?

Yes. New Winstar intends to offer all services currently provided by Old Winstar and will abide by all applicable rules and regulations.

9. Does your company plan on filing to become an Eligible Telecommunications Carrier?

New Winstar intends to mirror the services currently offered by Old Winstar, which does not currently include becoming an ETC.

10. Does the company realize that it will not be able to receive any of the federal reimbursements for the Lifeline and Link Up Programs if it is not an eligible carrier?

Yes.

11. Will your company offer all of the waivers associated with the Universal Telephone Service Assistance Programs (UTSAP)?

Yes, to the extent UTSAP applies to the services to be offered by New Winstar. New Winstar intends to offer all services currently provided by Old Winstar and will abide by all applicable rules and regulations.

12. Will your company abide by the regulations as prescribed in 83 Illinois Administrative Code Part 755, "Telecommunications Access for Persons with Disabilities," 83 Illinois Administrative Code Part 756 "Telecommunications Relay Service," and Sections 13-703 of the Illinois Public Utilities Act?

Yes. New Winstar intends to offer all services currently provided by Old Winstar and will abide by all applicable rules and regulations.

- 13 Will the company's billing system be able to distinguish between resale and facilities based service for the collection of the ITAC line charge?

Yes, because all of New Winstar's services will be facilities-based. New Winstar intends to offer all services currently provided by Old Winstar and will abide by all applicable rules and regulations.

14. Has your company signed and returned the Universal Telephone Assistance Corporation ("UTAC") and the Illinois Telecommunications Access Corporation ("ITAC") to Commission staff?

Please see Exhibit M.

15. How does your company plan to solicit customers once it begins to provide local service.

Initially, New Winstar will serve the current customers of Old Winstar. New Winstar does not currently intend to engage in telemarketing or multi-level marketing and will use the current Old Winstar Illinois based sales group to sell to new customers.

16. Has your company provided service under any other name?

No.

17. Have any complaints or judgements been levied against the company? (Instate, out-of-state, or FCC).

No complaints or judgments have been levied against New Winstar by any state or federal regulatory authority.

Appendix B

9-1-1 Questions for Applicants Seeking Local Exchange Service Authority

1. Will your company ensure that 911 traffic is handled in accordance with the 83 Illinois Administrative Code Part 725 and the Emergency Telephone System Act?

Yes. New Winstar intends to offer all services currently provided by Old Winstar and will abide by all applicable rules and regulations.

2. Will your company contact and establish a working relationship with the 911 systems when you begin to provide local telephone service?

Yes.

3. Will your company coordinate with the incumbent LEC(s) and local 911 systems to provide transparent services for your local exchange customers?

Yes.

4. Who will be responsible for building and maintaining the 911 database for your customers?

New Winstar will provide information to its 911 database administrator, Illuminet, to maintain the existing 911 database Old Winstar utilizes for its local exchange customers.

5. How often will your company update the database with customer information?

New Winstar will update the 911 information database with customer information as often as required, but at a minimum, New Winstar will provide information to its database administrator to update the 911 information database on a daily basis.

6. Will your company's billing system have the ability to distinguish between facilities-based and resale for the collection of the 911 surcharge?

Yes.

7. Does your company have procedures for the transitioning of the 911 surcharge collection and disbursement to the local 911 system?

New Winstar intends to adopt the procedures currently used by Old Winstar.

8. Will your company's proposal require any network changes to any of the 911 systems?

No.

9. Will your company be able to meet the requirements specified under Part 725.500(o) and 725.620(b) for the installation of call boxes?

New Winstar intends to apply for a waiver.

10. Does your company plan to file for a waiver of Part 725.500(o) and 725.620(b) in the future?

Yes.

Appendix C

Financial Questions for Applicants Seeking Local Exchange Authority

1. What circumstances warrant a departure from the prescribed Uniform System of Accounts ("USOA")?

Part 710 requires compliance with the Uniform System of Accounts ("USOA"). While this provision is appropriately applied to incumbent LECs that have market power, it imposes unnecessary and burdensome requirements on competitive carriers and is inconsistent with a competitive environment. New Winstar seeks the same waivers as those held by Old Winstar.

2. Will records be maintained in accordance with Generally Accepted Accounting Principles ("GAAP")?

Yes. New Winstar will keep its books in accordance with GAAP, which will result in a substantially equivalent portrayal of its operating results and financial condition and will maintain uniformity in the substantive results as among telecommunications companies.

3. Will applicants accounting system provide an equivalent portrayal of operating results and financial condition as the USOA?

YES.

4. Will applicants accounting procedure maintain or improve uniformity in substantive results as among similar telecommunications companies?

Yes.

5. Will applicant maintain its records in sufficient detail to facilitate the calculation of all applicable taxes?

Yes.

6. Does the accounting system currently in use by applicant provide sufficiently detailed data for the preparation of Illinois gross Receipts Tax returns? What specific accounts or sub-accounts provide this data?

Yes. Attached hereto as Exhibit J is a copy of the Chart of Accounts.

7. If a waiver of Part 710 is granted, will applicant provide annual audited statements for all periods subsequent to granting the waiver?

Yes.

8. Does applicant agree that the requested waiver of Part 710 will not excuse it from compliance with future Commission rules or amendments to Part 710 otherwise applicable to the Company?

Yes.

9. Please attach a copy of applicant's chart of accounts.

See Exhibit J.